

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In The Matter Of

PUBLIC UTILITIES COMMISSION

Instituting a Proceeding to Investigate Distributed  
Generation in Hawaii.

DOCKET NO. 03-0371

**MEMORANDUM IN RESPONSE TO  
MOTIONS TO INTERVENE**

**AND**

**CERTIFICATE OF SERVICE**

PUBLIC UTILITIES  
COMMISSION

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FILED

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MAUI ELECTRIC COMPANY, LIMITED**

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This Memorandum is respectfully submitted by HAWAIIAN ELECTRIC COMPANY, INC. ("HECO"), HAWAII ELECTRIC LIGHT COMPANY, INC. ("HELCO") and MAUI ELECTRIC COMPANY, LIMITED ("MECO") (collectively referred to as the "Companies") in response to the motions to intervene and/or participate submitted in this docket as of November 10, 2003.<sup>1</sup>

By Order No. 20582, filed October 21, 2003 ("Order No. 20582"), the Commission initiated an investigation to examine the benefits and impacts of distributed generation ("DG") on Hawaii's electric distribution systems and markets. In opening this generic DG investigation the Commission stated that:

To ensure a comprehensive examination of this matter, we invite all interested energy service providers and other business, environmental, cultural and community groups to participate in this docket as intervenors or

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<sup>1</sup> As of November 10, 2003, motions to intervene in this docket were submitted by Life of the Land ("LOL") (dated October 31, 2003), County of Kauai (which filed a motion to participate or intervene dated November 4, 2003), Hawaii Renewable Energy Alliance ("HREA") (dated November 6, 2003), Department of Business, Economic Development, and Tourism ("DBEDT") (which filed a Motion to Participate Without Intervention, which was undated, and received by HECO on November 6, 2003); County of Maui (dated November 7, 2003), Johnson Controls, Inc. ("JCI") and Pacific Machinery, Inc. ("PMI") (filed November 7, 2003), The Gas Company, LLC ("TGC") (dated November 10, 2003), and Hess Microgen, LLC ("Hess") (filed November 10, 2003) (such motions are collectively referred to as the "Motions to Intervene" and such entities are collectively referred to as the "Movants").

participants so long as these persons or entities adhere to our administrative rules, specifically HAR Chapter 6-61 which governs intervention and participation in commission proceedings.<sup>2</sup>

The Companies do not oppose the motions to intervene and/or participate, provided that Movants' participation in this generic proceeding does not result in delays in addressing the Companies' application in Docket No. 03-0366 (the Companies' application regarding a combined heat and power ["CHP"] program).<sup>3</sup> The Commission anticipated that other matters related to this generic proceeding may be simultaneously addressed through other state or federal actions, and that the Commission may consider these related matters on a "case-by-case basis". The Commission recognized that the outcome of such other related matters may need to be interim in nature, pending the final disposition of this generic proceeding, so that this proceeding does not "impede or delay the timely consideration" of such related matters. Thus, Order No. 20582 stated that:

Since it would be unreasonable to defer consideration of all future related filings with the commission that may be affected by this proceeding, the commission may consider these related matters on a case-by-case basis. To the extent that there is a public interest served in determining an outcome in these matters prior to the completion of this proceeding, we will do so. Such an outcome, however, may need to be interim in nature, pending our final disposition of this docket. In any case, this investigation is not intended to impede or delay the timely consideration of any related matters that may subsequently come before us.

Order No. 20582 at 3-4.

The Consumer Advocate<sup>4</sup> and some of the Movants (e.g., LOL and HREA) have proposed that Docket No. 03-0366 be consolidated with this generic DG proceeding. The Companies will respond to this proposal in Docket No. 03-0366. If the two dockets are

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<sup>2</sup> Order No. 20582, page 5, footnote 5.

<sup>3</sup> LOL, HREA, JCI and PMI, and TGC also moved to intervene in Docket No. 03-0366.

<sup>4</sup> In a Statement of Position filed October 31, 2003 in Docket No. 03-0366.

consolidated, however, then Movants'<sup>5</sup> participation in such a consolidated docket should be limited to the issues raised by the Commission's generic DG investigation, and should not include non-overlapping issues specific to the CHP Program, CHP tariff and standard contract for regulated CHP service, for which the Companies have requested approval in Docket No. 03-0366 (for the reasons stated in the Companies' memoranda in response to the motions to intervene in such docket).

DATED: Honolulu, Hawaii, November 18, 2003.



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THOMAS W. WILLIAMS, JR.  
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Attorneys for  
HAWAIIAN ELECTRIC COMPANY, INC.  
HAWAII ELECTRIC LIGHT COMPANY, INC.  
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<sup>5</sup> The Counties of Maui and Kauai, Hess, and DBEDT did not file motions to intervene or participate in Docket No. 03-0366. The Companies filed memoranda in response to motions to intervene by LOL, HREA, JCI and PMI, and TGC.

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this date served a copy of the foregoing **MEMORANDUM  
IN RESPONSE TO THE MOTIONS TO INTERVENE**, together with this Certificate of  
Service, by making personal delivery or by causing a copy hereof to be mailed, postage prepaid  
and properly addressed, to each such party:

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DATED: Honolulu, Hawaii November 18, 2003.

A handwritten signature in dark ink, appearing to read "P. Williams, Jr.", written over a horizontal line.

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PETER Y. KIKUTA

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